

AMENDED IN ASSEMBLY SEPTEMBER 10, 2001

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 383

Introduced by Senators Burton and Romero
(Coauthor: Assembly Member Cedillo)

February 21, 2001

An act to amend Sections 1299.2 and 1299.3 of, to amend the heading of Title 9.5 (commencing with Section 1299) of Part 3 of, and to add Section 1299.31 to, the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as amended, Burton. Arbitration: local public employees.

Existing law provides for the arbitration of disputes between local public employers and firefighters and law enforcement officers, as defined.

This bill would extend these provisions to safety police officers of the County of Los Angeles and to physicians and dentists, as defined, who are local public employees of the County of Los Angeles.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that the
2 dispute resolution procedures contained in Title 9 (commencing
3 with Section 1299) of Part 3 of the Code of Civil Procedure, as
4 amended by this act, provide the appropriate method for resolving

1 public sector disputes that could otherwise lead to strikes by
2 physicians or dentists in the County of Los Angeles.

3 (b) It is the intent of the Legislature to protect the health and
4 welfare of the public by providing impasse remedies necessary to
5 afford the County of Los Angeles the opportunity to alleviate
6 safely the effects of labor strife that would otherwise lead to strikes
7 by physicians and dentists.

8 It is not the intent of the Legislature to alter the scope of issues
9 subject to collective bargaining between the employer, the County
10 of Los Angeles, and employee organizations representing
11 physicians or dentists.

12 (c) The provisions of Title 9.5 (commencing with Section
13 1299) of Part 3 of the Code of Civil Procedure, as amended by this
14 act, are intended by the Legislature to govern the resolution of
15 impasses reached in collective bargaining between the County of
16 Los Angeles and employee organizations representing physicians
17 and dentists over economic issues that remain in dispute over their
18 respective interests. However, these provisions are not intended by
19 the Legislature to be used as a procedure to determine the rights
20 of any physician or dentist in any grievance initiated as a result of
21 a disciplinary action taken by the County of Los Angeles.

22 SEC. 2. The heading of Title 9.5 (commencing with Section
23 1299) of Part 3 of the Code of Civil Procedure is amended to read:

24
25 TITLE 9.5. ARBITRATION OF FIREFIGHTER, LAW
26 ENFORCEMENT OFFICER, AND OTHER LOCAL
27 AGENCY LABOR DISPUTES
28

29 SEC. 3. Section 1299.2 of the Code of Civil Procedure is
30 amended to read:

31 1299.2. This title shall apply to all employers of firefighters,
32 and law enforcement officers. This title shall also apply to
33 employers of physicians and dentists as defined in Section
34 1299.31.

35 SEC. 3.5. Section 1299.3 of the Code of Civil Procedure is
36 amended to read:

37 1299.3. As used in this title:

38 (a) “Employee” means any firefighter or law enforcement
39 officer represented by an employee organization defined in
40 subdivision (b).



(b) “Employee organization” means any organization recognized by the employer for the purpose of representing firefighters or law enforcement officers in matters relating to wages, hours, and other terms and conditions of employment within the scope of arbitration.

(c) “Employer” means any local agency employing employees, as defined in subdivision (a), or any entity, except the State of California, acting as an agent of any local agency, either directly or indirectly.

(d) “Firefighter” means any person who is employed to perform firefighting, fire prevention, fire training, hazardous materials response, emergency medical services, fire or arson investigation, or any related duties, without respect to the rank, job title, or job assignment of that person.

(e) “Law enforcement officer” means any person who is a peace officer as defined in Section 830.1 of, subdivisions (a), (b), and (d) of Section 830.31 of, subdivisions (a), (b), and (c) of Section 830.32 of, subdivisions (a), (b), and (d) of Section 830.33 of, subdivisions (a) and (b) of Section 830.35 of, subdivision (a) of Section 830.5 of, and subdivision (a) of Section 830.55 of, the Penal Code, without respect to the rank, job title, or job assignment of that person.

(f) “Local agency” means any governmental subdivision, district, public and quasi-public corporation, joint powers agency, public agency or public service corporation, town, city, county, city and county, or municipal corporation, whether incorporated or not or whether chartered or not.

(g) “Scope of arbitration” means economic issues, including salaries, wages and overtime pay, health and pension benefits, vacation and other leave, reimbursements, incentives, differentials, and all other forms of remuneration. The scope of arbitration shall not include any issue that is protected by what is commonly referred to as the “management rights” clause contained in Section 3504 of the Government Code. Notwithstanding the foregoing, any employer subject to this title that is not exempt under Section 1299.9 may supersede this subdivision by adoption of an ordinance that establishes a broader definition of “scope of arbitration.”

SEC. 4. Section 1299.31 is added to the Code of Civil Procedure, to read:

1 1299.31. In addition to the definitions contained in Section
2 1299.3, as used in this title:

3 (a) “Dentist” means a person licensed as a dentist pursuant to
4 Chapter 4 (commencing with Section 1600) of Division 2 of the
5 Business and Professions Code *who is employed as a salaried*
6 *postresidency dentist*.

7 (b) “Employee” also means any physician or dentist
8 represented by an employee organization defined in subdivision
9 (c).

10 (c) “Employee organization” also means any organization
11 recognized by the employer as defined in subdivision (d) for the
12 purpose of representing physicians or dentists in matters relating
13 to wages, hours, and other terms and conditions of employment
14 within the scope of arbitration.

15 (d) “Employer” also means the County of Los Angeles, or any
16 entity, except the State of California, acting as an agent of the
17 County of Los Angeles, either directly or indirectly.

18 (e) “Physician” means a person licensed as a physician and
19 surgeon pursuant to Chapter 5 (commencing with Section 2000)
20 of Division 2 of the Business and Professions Code *who is*
21 *employed as a salaried postresidency physician*.

22 SEC. 5. The Legislature hereby finds and declares that a
23 special statute is necessary and that a general statute cannot be
24 made applicable, within the meaning of Section 16 of Article IV
25 of the California Constitution, because of unique circumstances
26 applicable to the County of Los Angeles.

